

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

LAMONE T. BLUE,

Plaintiff,

v.

SOU-MCC PRISON STAFF, *et al.*,

Defendants.

Case No. C10-1378-JCC-JPD

REPORT AND  
RECOMMENDATION

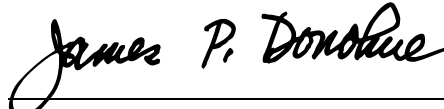
Plaintiff Lamone T. Blue, who is currently incarcerated at the Washington State Penitentiary, has filed an application to proceed *in forma pauperis* (“IFP”) with a civil rights action brought under 42 U.S.C. § 1983. (Dkts. 1, 5.) The Court recommends DENYING Mr. Blue’s application to proceed IFP based on the three-strikes rule of 28 U.S.C. § 1915(g), and directing him to pay the \$350 filing fee in order to proceed with his complaint.

A prisoner may not proceed IFP in a civil action if he or she has, on three or more prior occasions, brought civil actions that were dismissed for failure to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury. *See* 28 U.S.C. § 1915(g). Over the past several months, the Court dismissed three *pro se* § 1983 complaints that Mr. Blue brought with IFP requests for failure to state a claim upon which relief may be granted. *See* Order of Dismissal, *Blue v. MCC-SOU Prison Staff*, C10-

1 878-RAJ (W.D. Wash. dated Sept. 22, 2010); Order of Dismissal, *Blue v. SOU-MCC Prison*  
2 *Staff*, C09-1471-RAJ (W.D. Wash. dated Feb. 12, 2010); Order of Dismissal, *Blue v. SOU-*  
3 *MCC Prison Staff*, C09-1705-JCC (W.D. Wash. dated Jan. 26, 2010); *see generally O’Neal v.*  
4 *Price*, 531 F.3d 1146, 1152 (9th Cir. 2008) (holding that an IFP action is “brought” for  
5 purposes of imposing § 1915(g) strikes “when he submits a complaint and request to proceed  
6 in forma pauperis to the court”). Nothing in Mr. Blue’s proposed complaint—in which he  
7 seeks \$5000 in compensation and to have a correctional officer suspended for past conduct—  
8 suggests that Mr. Blue is under imminent danger of serious physical injury. (Dkt. 1-1, at 3–4.)

9 The Court recommends DENYING Mr. Blue’s application to proceed IFP (Dkts. 1, 5),  
10 and directing him to pay the \$350 filing fee within thirty (30) days of the date of the Order  
11 adopting this Report and Recommendation. The Clerk is directed to send copies of this Order  
12 to plaintiff and to the Honorable John C. Coughenour.

13 DATED this 12th day of October, 2010.

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15 JAMES P. DONOHUE  
16 United States Magistrate Judge  
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